

CHAPTERS 13 to 19  
Reserved

TITLE II  
INSTITUTIONS

CHAPTER 20  
INSTITUTIONS ADMINISTRATION

[Prior to 10/1/83, Social Services[770] Ch 16]  
[Prior to 3/20/91, Corrections Department[291]]

**201—20.1(904) Application of rules.** The rules in this chapter apply to all adult correctional institutions unless otherwise stated. Rules related to individual institutions can be found in chapters on the institutions. The institutions covered by these rules are the Iowa state penitentiary, Fort Madison, the Iowa state men's reformatory, Anamosa, the Iowa correctional institution for women, Mitchellville, the Iowa medical and classification center, Oakdale, the correctional release center, Newton, the Mt. Pleasant correctional facility, Mt. Pleasant, the Clarinda correctional facility, Clarinda, and the north central correctional facility, Rockwell City.

**201—20.2(904) Title II definitions.**

*"Class I Disciplinary Report"* means the same as a major report and is defined in Department Manual IN-V-36.

*"Class II Disciplinary Report"* means the same as a minor report and is defined in Department Manual IN-V-36.

*"Contraband"* means weapons, alcohol, drugs, money, obscene materials, or materials advocating disruption of or injury to inmates, employees, programs, or physical facilities. It shall also include anything which is illegal to possess under the law, against institutional regulations, or materials which are used in the production of drugs or alcohol or used in conjunction with the taking of illicit drugs.

*"Furlough"* means any temporary release from custody as granted in accordance with Iowa Code section 904.108(2).

*"Furlough residence"* means any private dwelling, apartment, house, trailer court, hotel, motel or community dwelling place.

*"Immediate family"* means mother, father, sister, brother, half sister, half brother, spouse, son, daughter, natural grandparents, and natural grandchildren. Legal guardian, foster parents, stepparents, stepchildren, stepsister, and stepbrother will be included provided a positive relationship exists or contact will confer a benefit to the inmate.

For the purpose of visitation, all the above will be included as immediate family provided a positive relationship exists. Immediate family members may be subject to criminal background investigation.

*"Law enforcement checks"* means prescheduled, in person, check-ins at designated law enforcement agencies such as police departments, sheriff's offices and highway patrol offices.

*"Medical practitioner"* means medical doctor, osteopathic physician or physician's assistant employed by the department.

*"Obscene material"* means the same as that described in 20.6(4).

*“Performance evaluation”* means evaluation of work and program participation as well as other areas of behavior.

*“Plan of payment”* means the method by which the inmate is to make restitution. The plan may include legal financial obligations. The plan is to reflect the offender’s present circumstances, such as income, physical and mental health, education, employment and family circumstances.

*“Plan of restitution”* means a plan stating the amount of restitution as set by the court.

*“Responsible person”* means an individual on the inmate’s visiting list of legal age and in the judgment of the staff, is a person of accountability, is able to think and act rationally, and is willing to facilitate the inmate’s successful completion of furloughs within the furlough rules and facilitate the return of the inmate to the institution. A responsible person shall further mean an individual not now under indictment, sentence or conviction of an indictable public offense. Ex-felons will not be permitted to act as responsible persons for furlough until the demonstration of two years’ successful adjustment in the community after release from any supervision.

This rule is intended to implement Iowa Code section 904.108(1) “k.”

**201—20.3(904) Visits to offenders.** Visiting is a privilege which allows offenders to maintain and strengthen relationships with family members and friends. Though visits are encouraged, institutions’ space, schedule, personnel constraints, treatment considerations, or other safety and security issues of the institutions and their operations may result in limiting the number and length of visits.

**20.3(1) Definitions.**

*“Application”* means a written application identifying the visitor and the visitor’s relationship to the offender.

*“Background investigation”* means security staff may verify the accuracy of a visitor’s application for any reason.

*“Immediate family”* means an offender’s spouse, mother, father, sister, brother, child, grandparent, established legal guardian or other who acted in place of parents, and step- or half-relation if the step- or half-relation and the offender were raised as cohabitating siblings.

*“Personal search”* means a pat-down search on top of the visitor’s clothes or a nonintrusive use of an electronic search process.

*“Visiting list”* means the screened list of approved visitors with authorized visiting privileges at all department of corrections institutions.

**20.3(2) Authorized visitors.** Each institution will establish an approved visiting list for each offender. This visiting list remains valid when the offender is transferred to another institution. To meet facility design limitations and security considerations, the visiting list shall be limited to immediate family members and two other visitors.

*a. Immediate family members.* The offender’s immediate family members may be included on the list without a background investigation unless one is required for security purposes.

*b. Two other visitors.* The offender’s relatives other than immediate family may be included on the list and allowed to visit if visiting space is available. Relatives of the offender other than immediate family may be subject to a background investigation. Friends of the offender may be included on the list. All friends of the offender will be subject to a background investigation conducted by law enforcement officials.

*c. Limitations.* An individual on the approved visiting list of one offender shall not be on the approved visiting list of another offender unless approved by the warden/superintendent or designee of each affected institution, jurisdiction, or sovereign. The warden/superintendent or designee may make exceptions only for a visitor who is an immediate family member of more than one offender.

A person working in any institution as a volunteer shall not be on an offender’s visiting list, except with the permission of the warden/superintendent or designee.

**20.3(3) *Nonauthorized visitors.*** The following persons shall not be authorized to visit without prior approval of the warden/superintendent or designee:

- a.* Individuals discharged from a correctional institution, from parole or from probation within the last 18 months. Noncontact visiting may be authorized for an offender's spouse or child who has been discharged from a correctional institution, from parole or from probation within the last 18 months.
- b.* Individuals whose behavior represents a control problem or is counterproductive to stable offender behavior. This may be reflected in the background investigation report which shows that the individual has a record of carrying concealed weapons, use of a controlled substance, previous violation of institutional rules, or similar behavior.
- c.* Individuals under criminal indictment.
- d.* Individuals on probation, work release, or parole.
- e.* Individuals found to be involved with or convicted of incidents of aiding an escape or introducing contraband in any detention or supervised correctional setting.
- f.* Individuals who intentionally give false information on the visitor's application form.
- g.* Individuals convicted of a felony.
- h.* Persons who may compromise the order and security of the institution.
- i.* Current and former employees, volunteers or ex-volunteers, and individuals who currently are providing, or have previously provided, contract services to the department of corrections or a judicial district.
- j.* Former department of corrections employees of this or other federal, state, or local jurisdiction or volunteers who have left employment voluntarily or been terminated as a result of accusation or investigation for misconduct shall not be allowed to visit at the facility where they were employed or volunteered.

*k.* Neither a victim of a sex offense, whether registered or not, nor the victim's family members will be approved for the visiting list of the perpetrator in the victim's case.

**20.3(4) *Written notification.*** Written notification of denial will be given to both the offender and the applicant within 30 days from application to be on a visiting list. Notification of approval will be given only to the offender. The offender is responsible for notifying the approved visitor.

- a.* When approved, visitors will be subject to the following conditions:
  - (1) Visitors are subject to a search;
  - (2) The search may include a pat down, search by an electronic detection device, or visual search.
- b.* When an application is denied, the applicant and the offender shall be apprised of the reasons for denial.
  - (1) Applicants may appeal to the warden/superintendent or designee in writing.
  - (2) The decision of the warden/superintendent or designee may be appealed to the director of the department of corrections or the director's designee. The decision of the director or the director's designee constitutes final agency action.

**20.3(5) *Identification.*** All visitors shall present proper identification upon entrance to the institution. Photo identification is preferred, but all identification shall identify personal characteristics, such as color of hair and eyes, height, weight, and birth date.

- a.* Signature cards may be required from visitors.
- b.* All visitors may be required to be photographed for future identification purposes only.

**20.3(6) *Special visitors.*** Attorneys, division of criminal investigation agents, Federal Bureau of Investigation agents, law enforcement officials, and ministers shall present proof of identity upon entrance to the institution. The offender must express a desire to visit a minister or attorney before the minister or attorney will be admitted. Attorney and minister visits shall be during normal visiting hours unless a special visit has been requested by the offender and approved by the warden/superintendent or designee prior to the visit.

An attorney or minister testing positive by an electronic detection device may be required to visit without direct contact.

**20.3(7) Termination of visits.** Individuals may have visiting privileges modified or terminated when:

- a. The offender or visitor engages in behavior that may in any way be disruptive to order and control of the institution.
- b. The visitor or offender fails to follow the established rules and procedures of the institution.
- c. The visitor and offender directly exchange or attempt to exchange any object or article. This does not apply to purchases from the canteen or visiting room vending machines that are consumed during the visit.
- d. The visitor tests positive for drugs or explosives using an authorized electronic detection device calibrated and operated for testing for the presence of drugs or other contraband.
- e. The visit or future visiting is detrimental to the health or welfare of the offender or visitor.
- f. The visitor does not supervise the visitor's children to prevent them from interfering with or disrupting other visits.

Offenders may request reconsideration of denied visitors six months after resolution of the reason for denial or when approved by the warden/superintendent or regional deputy director.

**20.3(8) Noncontact visiting.** The warden/superintendent or designee may allow noncontact visits when the order or security of the institution may be threatened or when disciplinary rules or procedures have been violated. Noncontact visiting hours will be provided on a scheduled basis. The hours and days will be posted by the warden/superintendent or designee, and notice will be posted at least one week prior to any change. Visitors on the noncontact list at the time of a schedule change will be notified of the schedule change by regular mail sent to the last-known address.

**20.3(9) Minors.** Minors outside the offender's immediate family shall have written permission from a parent or guardian and be accompanied by an adult on the approved visiting list. All minors shall have adult supervision. Exceptions shall have prior approval of the warden/superintendent or designee.

**20.3(10) Clothing.** Visitors shall be properly attired prior to entering a correctional setting. All visitors shall wear shoes. Visitors wearing miniskirts, shorts, muscle shirts, see-through clothing or halter tops will not be allowed to visit. Visitors wearing clothing with slogans, pictures, or words intended to deprecate race, sex, or cultural values will not be allowed entry. Visitors may be required to remove for the duration of the visit outerwear such as, but not limited to, coats, hats, gloves, or sunglasses. A medical need for sunglasses must be verified by prescription.

**20.3(11) Security procedures.** Visitors may be requested to submit to a personal search (pat down) or an electronic search for weapons or contraband. "Personal search" means a pat-down search on top of the visitor's clothes or a nonintrusive use of an electronic search process. If the initial electronic test confirms the presence of a controlled substance, the visitor will be given a second confirmation test. When the electronic detection device alarm is activated, the visitor shall produce the item that set off the alarm or a personal search may be made to find the item. If the visitor refuses to submit to a search, access to visiting shall be denied and entrance shall be denied. All searches shall be conducted in a courteous manner to respect the visitor's privacy. Minors are subject to personal and electronic searches. When a visitor accompanied by a minor refuses to leave the minor with a staff person and does not want the minor present during the search, the visit will be denied. When a minor is searched, the supervising adult shall be present in the room at all times.

- a. The warden/superintendent or designee will maintain records of all searches which produce positive results including the name of each person subjected to a search, the names of the persons conducting and in attendance at the search, and the time, date, and place of the search. The written record shall reflect the reason for the search and the results of the search. The written authorization for the search shall be included in the record. Testing records will be maintained by the institution for one year and then expunged. Records of positive tests will be maintained for five years and then expunged. All testing records are confidential and will be released only when ordered by a court of proper jurisdiction.

b. When a visitor tests positive by an electronic search device, the visitor may appeal to the warden/superintendent or designee in writing. The decision of the warden/superintendent or designee may be appealed to the director of the department of corrections or the director's designee. The decision of the director or the director's designee constitutes final agency action.

c. Staff may request that local law enforcement search visitors if search procedures or an electronic testing device shows that there is a clear, reliable reason to believe a particular visitor is attempting to smuggle contraband into the facility. If the search reveals drugs or illegal contraband, the item shall be confiscated and preserved by local law enforcement. Visitors found in possession of contraband shall be referred by local law enforcement to the county attorney for prosecution.

d. Facilities will establish procedures for personnel selection and training of search personnel. Operators will be trained in accordance with manufacturer's standards, which require 16 hours of initial certification and 4 hours of annual training thereafter. Each facility will have at least two certified trainers of trainers.

**20.3(12) Sanctions.** Visitors testing positive or refusing to be tested by an electronic detection device will be restricted.

a. *Testing positive.* The following restrictions will apply to visitors testing positive:

(1) First occurrence. Visiting privileges will be suspended from the date and time of the test for the next 2 visiting days. Future visits may be restricted to noncontact status.

(2) Second occurrence. Visiting privileges will be suspended from the date and time of the test for the next 7 visiting days. Future visits may be restricted to noncontact status.

(3) Third occurrence. Visiting privileges will be suspended from the date and time of the test for the next 15 visiting days. Future visits may be restricted to noncontact status.

(4) Fourth occurrence. Visiting privileges will be suspended from the date and time of the test for the next 30 visiting days. In addition, the visitor will be placed on noncontact visiting status for 180 days from the date of the first eligible visit. If the visitor tests positive from this date forward, visiting privileges may be permanently restricted to noncontact status.

Upon request by the visitor, the warden/superintendent or designee may allow visits in noncontact status for the first, second, and third occurrence pending the receipt of laboratory reports for any visitor testing positive by an electronic detection device.

b. *Refusing to be tested.* Refusal to submit to a drug test by an electronic testing device will result in suspension of visiting privileges for 15 calendar days from the time of refusal.

Written notice regarding visiting status or facility access will be presented or mailed within 5 working days to any individual (nonoffenders) testing positive or who refuses consent to search. Such notice will include the duration of any restriction and procedures for reconsideration or reinstatement.

**20.3(13) Money orders/cashier's checks.** Money orders/cashier's checks for deposit in the offender's account may be left at the cashier's office during business hours or in accordance with rule 20.5(904) or as designated by the warden/superintendent or designee. Money orders/cashier's checks must be made payable to the warden/superintendent and must include the offender's name and ID number. Suspected abuse of money requests from the public by an offender may be cause for limits or restrictions on the amounts of money which can be received and from whom money can be received.

**20.3(14) Limits.** Each institution, according to its facilities and conditions, shall limit the number of visitors an offender may have at any one time and the length of visits.

**20.3(15) Segregation status.** Offenders in segregation status may have visits modified in regard to place, time, and visitor, depending on the staff and space available.

**20.3(16) Abuse of visiting privileges.** Visiting privileges may be modified, suspended, or terminated when abuses are evidenced or planned.

**20.3(17) *Special visits.*** The warden/superintendent or designee may permit special visits not otherwise provided for in this rule. These may include, but are not limited to, extended visits for close family members traveling extended distances, immediate visits for close relatives or friends about to leave the area, visits necessary to straighten out critical personal affairs, and other visits for similar reasons. All these visits shall be at the sole discretion of the warden/superintendent or designee. When ruling on such visits, the warden/superintendent or designee shall consider appropriate factors including the uniqueness of the circumstances involved for both the offender and the visitor; security, order, and administrative needs of the institution; and available alternatives to a special visit. The decision of the warden/superintendent or designee in these cases constitutes final agency action.

**20.3(18) *Temporary modifications.*** Visiting procedures may be temporarily modified or suspended in the following circumstances: riot, disturbance, fire, labor dispute, space restrictions, natural disaster, or other emergency.

This rule is intended to implement Iowa Code section 904.512.

**201—20.4(904) Mail.** Constructive, unlimited correspondence with family, friends, and community sources will be encouraged and facilitated. Inmates have the responsibility in the use of correspondence to be truthful and honest. Institutions have the responsibility to maintain a safe, secure, and orderly procedure for inmate use of the mail.

**20.4(1) *Nonconfidential.***

*a.* Mail will not be read or censored on a regular basis unless there is justifiable cause. In an effort to maintain proper security measures, mail may be monitored on a random basis.

*b.* All nonconfidential mail shall be inspected for contraband. Nonconfidential mail shall be read when there is suspected abuse of correspondence or a threat to the good sense of order and security of the institution.

**20.4(2) *Confidential.***

*a.* Confidential mail, as defined in this rule, will not be read or censored.

*b.* Confidential mail will be opened and inspected for contraband and to ensure that the contents are from the return addressee, only in the presence of the inmate.

Confidential mail may be read only after a finding of probable cause by a court of competent jurisdiction that a threat to the order and security of the institution or abuse of correspondence exists.

*c.* Confidential letters may be written to: (the sender's name and address must be appropriately identified on the envelope)

(1) Officers of federal, state, or municipal courts (judges, judges' law clerks, prosecuting attorneys, court administrators).

(2) Federal agencies chief administrative officer, elected or appointed officials.

(3) State agencies chief administrative officer, elected or appointed officials.

(4) Clerk of court.

(5) The sentencing state department of corrections chief executive officer, deputy directors.

(6) Sentencing state board of parole.

(7) Attorney.

(8) The citizens' aide office.

(9) Any additional exception by law or policy.

(10) Civil rights commission.

*d.* Envelopes containing confidential correspondence shall be marked as "confidential" by the sender.

**20.4(3) General.**

a. Pursuant to Iowa Code chapter 2C, mail received from the office of citizens' aide shall be delivered unopened.

b. When sending confidential mail, inmates may be requested to seal the envelope in the presence of staff after the envelope and letters have been inspected for contraband.

c. No mail lists will be maintained restricting persons from writing to inmates or inmates writing to persons in the public. All letters mailed by inmates will be left unsealed for inspection of the contents only. Envelopes shall contain letters to the addressee only.

d. All other nonconfidential correspondence and packages, both incoming and outgoing, shall be opened for inspection to remove items of contraband.

To facilitate institutional inspection of first-class mail, writers should avoid enclosures other than the written correspondence. Traditional items such as snapshots of appropriately clothed individuals and clippings from published material may be permitted. Each institution shall have guidelines for the amount and type allowed.

e. With the exception of weekends and holidays, incoming and outgoing mail will not be retained for more than 24 hours prior to delivery unless unusual circumstances exist such as staff shortage, suspected correspondence violations, disturbance, or similar constraints.

f. Persons under the age of 18 must provide written permission to the warden/superintendent from parents or guardian before correspondence with inmates will be allowed.

g. Inmates/offenders under correctional supervision or detention will not be allowed to correspond with other inmates/offenders unless the individuals are immediate family and approved by the authority of the institution or both authorities in the case of correspondence between facilities.

"Immediate family" means mother, father, sister, brother, half sister, half brother, spouse, son, daughter, natural grandparents, and natural grandchildren. Legal guardian, foster parents, stepparents, stepchildren, stepsister, and stepbrother will be included provided a positive relationship exists or contact will confer a benefit to the inmate.

h. Inmates will be denied mail privileges with persons that might present a risk to the order and security of the institution.

i. All outgoing mail must be sent directly to the individual that the correspondence is written to, and all incoming mail must be sent directly from the individual that wrote the correspondence.

j. No limit will be placed on the number of letters mailed for inmates able to pay the mailing costs. Inmates that are unable to pay mailing costs will receive limited assistance which may be recoverable.

k. Stamped, return-addressed envelopes will be sold through canteen services for all outgoing letters and will be purchased by the inmate.

l. Special equipment may be used to review envelopes for items in the envelopes other than the letter. When the contents of the correspondence is inappropriate or contraband items which are not illegal to possess under the law are found in the mail, the mail will be rejected and the inmate shall be notified with the option to return to sender or destroy.